

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- v. -

18 CR 457 (S-2) (AMD)

HUAWEI TECHNOLOGIES CO.  
LTD., *et al.*,

Defendants.

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**DECLARATION OF JAMES M. COLE**

I, James M. Cole, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am currently a partner at Sidley Austin LLP. From December 2010 until January 2015, I was the Deputy Attorney General (DAG) of the United States.
2. In that capacity, I was in charge of the day-to-day operations of the Department of Justice. This included all litigation divisions at Main Justice, all United States Attorneys offices, all investigative agencies, all program offices, and all administrative functions of the Department. At that time there were approximately 120,000 employees of the Department of Justice.
3. In the course of my work I was frequently briefed on numerous and various ongoing matters, but became operationally involved in very few. Many of these briefings were limited and/or general.
4. I met with the Department of Justice on several occasions prior to the Government's filing of its disqualification motion. During those meetings, the Department of Justice provided me with very limited information about the alleged basis for its claim that I should be disqualified in this matter. It did not provide me with any particulars of the facts that it asserts were presented to me while I serving as DAG, how those facts relate to this case, or whether any of those facts would be used in this case. I have no recollection of the matters which they referenced as the basis for the claim that I should be disqualified. I certainly have no recollection of any of the details of those matters or of any confidential or privileged information I may have received.
5. Because of this lack of information and my own lack of recollection, on March 6, 2019, I informed the Department of Justice as follows: "We have carefully considered the material you showed us and were unable to determine that I need to be disqualified based

on that information. We took the discussions seriously and are open to considering any further information you want to present that might relate to this issue. Thank you for your time on this.”

6. The Department of Justice has provided me with no further information since that time.

Dated: May 17, 2019  
New York, New York



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James M. Cole